

By: Senator(s) England (By Request)

To: Accountability,  
Efficiency, Transparency

SENATE CONCURRENT RESOLUTION NO. 526

1 A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO SECTIONS 33,  
2 56, 61 AND 72, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT  
3 THE PEOPLE RESERVE TO THEMSELVES THE RIGHT TO EXERCISE THE  
4 LEGISLATIVE POWER OF THE STATE TO PROPOSE NEW LAWS AND TO AMEND OR  
5 REPEAL EXISTING LAWS BY INITIATIVE, AND TO APPROVE OR REJECT THE  
6 SAME IN AN ELECTION INDEPENDENT OF THE LEGISLATURE; AND FOR  
7 RELATED PURPOSES.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF  
9 MISSISSIPPI, That the following amendments to the Mississippi  
10 Constitution of 1890 are proposed to the qualified electors of the  
11 state:

12 I.

13 Amend Section 33, Mississippi Constitution of 1890, to read  
14 as follows:

15 Section 33. (1) The legislative power of this state shall  
16 be vested in a Legislature which shall consist of a Senate and a  
17 House of Representatives, but the people reserve to themselves the  
18 right to exercise the legislative power of the state to propose  
19 new laws and to amend or repeal existing laws by initiative, and  
20 to approve or reject the same in an election independent of the



21 Legislature, in the manner prescribed in and subject to the  
22 provisions of this section.

23 (2) The initiative process shall not be used:

24 (a) To propose any new amendments to or the  
25 modification or repeal of any existing provision of this  
26 constitution;

27 (b) To propose any new law or amend or repeal any  
28 existing law relating to the Mississippi Public Employees'  
29 Retirement System;

30 (c) To propose any new local or special law or amend or  
31 repeal any existing local or special law; or

32 (d) To propose any new law or amend or repeal any  
33 existing law on any subject or matter that any section of this  
34 constitution prohibits the Legislature from enacting.

35 (3) An initiative may be proposed by a petition signed over  
36 a twelve-month period by qualified electors equal in number to at  
37 least seventeen percent (17%) of the total number of electors who  
38 legally voted of the last preceding gubernatorial election. The  
39 signatures of the qualified electors from any single congressional  
40 district shall not exceed thirty-three and one-third percent  
41 (33-1/3%) of the total number of signatures required to qualify an  
42 initiative measure for placement on the ballot. If an initiative  
43 petition contains signatures from a single congressional district  
44 that exceeds thirty-three and one-third percent (33-1/3%) of the  
45 total number of required signatures, the excess signatures from



46 that congressional district shall not be considered by the  
47 Secretary of State in determining whether the initiative measure  
48 qualifies for placement on the ballot. The sufficiency of  
49 petitions shall be decided in the first instance by the Secretary  
50 of State, subject to review by the Supreme Court of the state,  
51 which shall have original and exclusive jurisdiction over all such  
52 cases.

53 (4) The sponsor of an initiative shall identify in the text  
54 of the initiative the amount and source of revenue required to  
55 implement the initiative. If the provisions of an initiative  
56 would cause a substantial cost to the state or require the  
57 substantial expenditure of state funds, as determined according to  
58 law by the Legislative Budget Office or any successor agency, the  
59 sponsor also shall provide in the text of the initiative for the  
60 specific funding source or mechanism to pay the cost of the  
61 provisions of the initiative so that the initiative will not  
62 result in a reduction in state funds available for expenditure by  
63 the Legislature. If an initiative requires (a) a reduction in any  
64 source of government revenue that would cause the amount of state  
65 funds available for expenditure by the Legislature to be less than  
66 the amount of state funds appropriated for the most recent fiscal  
67 year, or (b) requires a reallocation of funding from currently  
68 funded programs, the sponsor shall identify in the text of the  
69 initiative the program or programs whose funding must be reduced  
70 or eliminated to implement the initiative. No initiative shall be



71 permitted to redirect state funds from one (1) agency to another  
72 nor shall any initiative be permitted to require expenditures that  
73 would cause the state to enter into a budget deficit at the time  
74 of approval.

75 (5) The chief legislative budget officer shall prepare a  
76 fiscal analysis of each initiative and each legislative  
77 alternative, and a summary of each fiscal analysis shall appear on  
78 the ballot.

79 (6) The style of all initiative measures shall be: "Be it  
80 enacted by the people of the State of Mississippi."

81 (7) The sufficiency of petitions shall be decided in the  
82 first instance by the Secretary of State, subject to review by the  
83 Supreme Court of the state, which shall have original and  
84 exclusive jurisdiction over all such cases.

85 (8) If an initiative measure is certified by the Secretary  
86 of State not less than ninety (90) days before a statewide general  
87 election, the Secretary of State shall place the initiative  
88 measure on the ballot for that statewide general election. If an  
89 initiative measure is certified by the Secretary of State less  
90 than ninety (90) days before a statewide general election, the  
91 Secretary of State shall place the initiative measure on the  
92 ballot for the next statewide general election occurring after the  
93 upcoming statewide general election.

94 (9) No more than three (3) initiative proposals shall be  
95 submitted to the votes on a single ballot, and the first three (3)



96 initiative proposals submitted to the Secretary of State with  
97 sufficient petitions shall be the proposals which are submitted to  
98 the voters.

99 (10) The Secretary of State shall file with the Clerk of the  
100 House and the Secretary of the Senate the complete text of the  
101 certified initiative on the first day of the regular session. An  
102 initiative may be adopted or adopted as amended by a majority vote  
103 of each house of the Legislature. If the initiative is adopted or  
104 adopted as amended by the Legislature, or if no action is taken  
105 within four (4) months of the date that the initiative is filed  
106 with the Legislature, the Secretary of State shall place the  
107 initiative, as adopted or adopted as amended as the case may be,  
108 on the ballot for the next statewide general election.

109 (11) If the Legislature amends an initiative, the amended  
110 version and the original initiative shall be submitted to the  
111 electors. In order to be approved, an initiative or legislative  
112 alternative must receive a majority of the votes cast thereon and  
113 not less than forty percent (40%) of the total votes cast at the  
114 election at which the initiative was submitted to be approved. If  
115 conflicting initiatives or legislative alternatives are approved  
116 at the same election, the initiative or legislative alternative  
117 receiving the highest number of affirmative votes shall prevail.

118 (12) If an initiative proposed to the Legislature has been  
119 rejected by the Legislature and an alternative is passed by the  
120 Legislature in lieu thereof, the ballot titles of both such



121 measures shall be so printed on the official ballots that a voter  
122 can express separately two (2) preferences: First, by voting for  
123 the approval of either measure or against both measures, and  
124 secondly, by voting for one (1) measure or the other measure. If  
125 the majority of those voting on the first issue is against both  
126 measures, then both measures fail, but in that case the votes on  
127 the second issue nevertheless shall be carefully counted and made  
128 public. If a majority voting on the first issue is for the  
129 approval of either measure, then the measure receiving a majority  
130 of the votes on the second issue and also receiving not less than  
131 forty percent (40%) of the total votes cast at the election at  
132 which the initiative was submitted for approval shall be law. Any  
133 person who votes for the ratification of either measure on the  
134 first issue must vote for one (1) of the measures on the second  
135 issue in order for the ballot to be valid. Any person who votes  
136 against both measures on the first issue may vote but shall not be  
137 required to vote for any of the measures on the second issue in  
138 order for the ballot to be valid. Substantially the following  
139 form shall be in compliance with this subsection:

140 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE  
141 Initiative Measure No. \_\_\_\_\_, entitled (here insert the ballot  
142 title of the initiative measure).

143 Alternative Measure No. \_\_\_\_\_ A, entitled (here insert the  
144 ballot title of the alternative measure).

145 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:



146 FOR APPROVAL OF EITHER Initiative No. \_\_\_\_\_ OR  
147 Alternative No. \_\_\_\_\_ A ..... ( )  
148 AGAINST Both Initiative No. \_\_\_\_\_  
149 AND Alternative No. \_\_\_\_\_ A ..... ( )

150 AND VOTE FOR ONE

151 FOR Initiative Measure No. \_\_\_\_\_ ( )  
152 FOR Alternative Measure No. \_\_\_\_\_ A ..... ( )

153 (13) Initiative measures approved by the people shall not  
154 require the signature of the Governor to become law and shall not  
155 be subject to the veto power of the Governor.

156 (14) An initiative measure approved by the people shall not  
157 be amended by the Legislature to make a substantive change to the  
158 text in the measure, or repealed by the Legislature, for a period  
159 of two (2) years after the initiative measure takes effect.  
160 However, the Legislature may amend or repeal an initiative measure  
161 less than two (2) years after the measure takes effect if the  
162 Legislature determines the existence of extenuating circumstances  
163 affecting the public peace, health, safety or financial solvency  
164 of the state that necessitates the amendment or repeal of the  
165 initiative measure, which circumstances must be stated in the  
166 legislation, and such amendment or repeal shall require a vote of  
167 three-fifths (3/5) of each house present and voting.

168 (15) The Legislature shall provide by law the manner in  
169 which initiative petitions shall be circulated, presented and  
170 certified. To prevent signature fraud and to maintain the



171 integrity of the initiative process the state has a compelling  
172 interest in ensuring that no person shall circulate an initiative  
173 petition or obtain signatures on an initiative petition unless the  
174 person is a resident of this state at the time of circulation.  
175 For the purposes of this subsection, the term "resident" means a  
176 person who is domiciled in Mississippi as evidenced by an intent  
177 to maintain a principal dwelling place in Mississippi indefinitely  
178 and to return to Mississippi if temporarily absent, coupled with  
179 an act or acts consistent with that intent. Every person who  
180 circulates an initiative petition shall print and sign his or her  
181 name on each page of an initiative petition, or on a separate page  
182 attached to each page, certifying that he or she was a resident of  
183 this state at the time of circulating the petition. The Secretary  
184 of State shall refuse to accept for filing any page of an  
185 initiative petition upon which the signatures appearing thereon  
186 were obtained by a person who was not a resident of this state at  
187 the time of circulating the petition, and an initiative shall not  
188 be placed on the ballot if the Secretary of State determines that  
189 without such signatures the petition clearly bears an insufficient  
190 number of signatures. The provisions of this subsection (15)  
191 shall be applicable to all initiative measures that have not been  
192 placed on the ballot at the time this proposed amendment is  
193 ratified by the electorate.





194       (16) An initiative approved by the electors shall take  
195 effect thirty (30) days from the official declaration of the vote  
196 by the Secretary of State, unless the measure provides otherwise.

197       (17) The Legislature may enact laws to carry out the  
198 provisions of this section, but such laws shall in no way restrict  
199 or impair the provisions of this section or the exercise of the  
200 rights reserved to the people in this section.

201       (18) The legislature shall enact laws to require the  
202 disclosure of contributions and expenditures for the passage or  
203 defeat of an initiative measure as well as any other disclosures  
204 related to the initiative process as provided by law.

205                           II.

206       Amend Section 56, Mississippi Constitution of 1890, to read  
207 as follows:

208       Section 56. The style of the laws of the state that are  
209 enacted by the Legislature shall be: "Be it enacted by the  
210 Legislature of the State of Mississippi."

211                           III.

212       Amend Section 61, Mississippi Constitution of 1890, to read  
213 as follows:

214       Section 61. No law enacted by the Legislature or by  
215 initiative of the people shall be revived or amended by reference  
216 to its title only, but the section or sections, as amended or  
217 revived, shall be inserted at length.

218                           IV.



219 Amend Section 72, Mississippi Constitution of 1890, to read  
220 as follows:

221 Section 72. Every Bill which shall pass both Houses shall be  
222 presented to the Governor of the state. If he or she approves, he  
223 or she shall sign it; but if he or she does not approve, he or she  
224 shall return it, with his or her objections, to the House in which  
225 it originated, which shall enter the objections at large upon its  
226 Journal, and proceed to reconsider it. If after such  
227 reconsideration two-thirds (2/3) of that House shall agree to pass  
228 the Bill, it shall be sent, with the objections, to the other  
229 House, by which, likewise, it shall be reconsidered; and if  
230 approved by two-thirds (2/3) of that House, it shall become a law;  
231 but in all such cases the votes of both Houses shall be determined  
232 by yeas and nays, and the names of the persons voting for and  
233 against the Bill shall be entered on the Journal of each House  
234 respectively. If any Bill shall not be returned by the Governor  
235 within five (5) days (Sundays excepted) after it has been  
236 presented to him or her, it shall become a law in like manner as  
237 if he or she had signed it, unless the Legislature, by  
238 adjournment, prevented its return, in which case such Bill shall  
239 be a law unless the Governor shall veto it within fifteen (15)  
240 days (Sundays excepted) after it is presented to him or her, and  
241 such Bill shall be returned to the Legislature, with his or her  
242 objections, within three (3) days after the beginning of the next



243 session of the Legislature. The provisions of this section are  
244 not applicable to initiative measures approved by the people.

245 BE IT FURTHER RESOLVED, That these proposed amendments shall  
246 be submitted by the Secretary of State to the qualified electors  
247 at an election to be held on the first Tuesday after the first  
248 Monday of November 2024, as provided by Section 273 of the  
249 Constitution and by general law, with the proposed amendments in  
250 this resolution being voted on as one (1) amendment.

251 BE IT FURTHER RESOLVED, That the explanation of this proposed  
252 amendment for the ballot shall read as follows: "This proposed  
253 constitutional amendment provides that the people reserve to  
254 themselves the right to exercise the legislative power of the  
255 state to propose new laws and to amend or repeal existing laws by  
256 initiative, and to approve or reject the same in an election  
257 independent of the Legislature."

